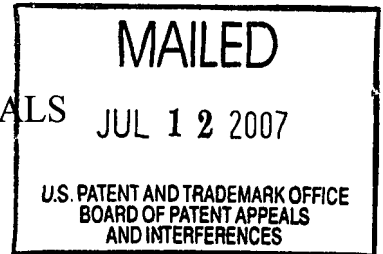


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte CHARLES L. VIGUE, MARTIN FALLENSTEDT,
DANIEL MELCHIONE, and VICTOR KOUZNETSOV

Application No. 09/921,543

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 27, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Evidence Relied Upon

On March 28, 2006, an Examiner's Answer was entered into the record. On page 3 of the Answer, section (8) under the heading of "Evidence Relied Upon," the Examiner has stated that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal."

However, a review of the file reveals that the following references were applied to the statement of rejections in the Grounds of Rejection [to be Reviewed on Appeal] , section (9) of the Answer:

Application 09/921,543

Peng (U.S. Patent No. 6,317,754)

Delaney (U.S. Patent No. 6,374,289)

Shostack (U.S. Patent No. 6,298,445)

Verisign "Verisign gets US Approval for 128-bit Key Certificates Export"

1997, Verisign, Inc.

Radatti (U.S. Patent Pub. 2002/0170052)

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. *See* the Manual of Patent Examining Procedure (MPEP) § 1207.02 (8th ed., Rev. 4, Oct. 4, 2005. Appropriate correction is required.


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Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- (1) consider Appellants' IDS filed on December 11, 2003,
- (2) notify Appellants in writing as to consideration of IDS,
- (3) issue and mail a PTOL-90, identifying the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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